

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                          |   |                 |
|--------------------------|---|-----------------|
| AMERICAN COLLISION &     | ) | Civil Action    |
| AUTOMOTIVE CENTER, INC., | ) | No. 11-cv-06947 |
| RONALD B. GALATI and     | ) |                 |
| TIFFANY N. GALATI,       | ) |                 |
|                          | ) |                 |
| Plaintiffs               | ) |                 |
|                          | ) |                 |
| vs.                      | ) |                 |
|                          | ) |                 |
| WINDSOR-MT. JOY MUTUAL   | ) |                 |
| INSURANCE COMPANY,       | ) |                 |
|                          | ) |                 |
| Defendant                | ) |                 |

O R D E R

NOW, this 27<sup>th</sup> day of September, 2012, upon  
consideration of the following documents:

- (1) Motion to Dismiss of Defendant, Windsor-Mt.Joy Mutual Insurance Company filed November 14, 2011, together with
  - (A) Exhibits "A" through "D" to defendant's motion to dismiss; and
  - (B) Brief in Support of the Motion to Dismiss of Defendant, Windsor-Mt.Joy Mutual Insurance Company;
- (2) Plaintiffs' Brief in Opposition to Defendant's Motion to Dismiss, which brief was filed November 28, 2011, together with
  - (A) Attached Exhibits to plaintiff's brief<sup>1</sup>;

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<sup>1</sup> Plaintiffs' Exhibits are not titled or numbered. The documents attached are (1) Marine Purchase Agreement; (2) Defendant's Answer with New Matter to Plaintiff's Complaint, which answer responded to a Complaint filed by non-party Ronald L. Galati against defendant on October 22, 2007 in case number 002774, October Term 2007 in the Court of Common Pleas of Philadelphia County, Pennsylvania ("Philadelphia County Action"); and (3) the Complaint filed in the Philadelphia County Action.

(3) Reply of Defendant Windsor-Mt.Joy Mutual Insurance Company to Plaintiffs' Response to Defendant's Motion to Dismiss, which reply was filed on December 7, 2011; and

(4) Notice of Removal filed November 7, 2011;

and for the reasons set forth in the accompanying Opinion,

IT IS ORDERED that the Motion to Dismiss of Defendant, Windsor-Mt.Joy Mutual Insurance Company is granted.

IT IS FURTHER ORDERED that plaintiffs' Complaint removed by defendant on November 7, 2011 is dismissed with prejudice.

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge